

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CJKOZ, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. NO.
)	
NORTHERN SECURITY INSURANCE)	
COMPANY,)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§§ 1332, 1441 and 1446, the defendant Northern Security Insurance Company ("Northern Security"), hereby removes the above-captioned action from the Superior Court of the Commonwealth of Massachusetts, Middlesex County, filed as Civil Action No. 2381CV00133, to the United States District Court for the District of Massachusetts (Eastern).

In support of this Notice of Removal, Northern Security states as follows:

1. This is a civil action in which the plaintiff is seeking a declaratory judgment and preliminary injunction involving an insurance claim against the defendant, Northern Security.

2. Plaintiff served a complaint, pending in Middlesex Superior Court, Civil Action No. 2381CV00133, on Massachusetts Division of Insurance, or transmittal to Northern Security, on or about January 19, 2023 (Exhibit "A," complaint and Division of Insurance transmittal).

3. This action is removable under 28 U.S.C. §1441(a), which provides in pertinent part, "...any civil action brought in a State Court of which the District Courts of the United States have original jurisdiction, may be removed....".

4. Plaintiff states on the civil action cover sheet that its damages are \$436,986.17, therefore exceeding the threshold requirement for removal of \$75,000.

5. Plaintiff alleges in its complaint that it is a Massachusetts domestic limited liability company with a principal place of doing business at 60 Bay Street, City of Lowell, County of Middlesex, Massachusetts.

6. Northern Security is a foreign insurance company with usual place of business in Montpelier, Vermont. It is authorized to conduct insurance business in Massachusetts. Consequently, as this Court has jurisdiction over this case on diversity grounds pursuant to 28 U.S. Code § 1332(a) and (c).

7. The United States District Court for the District of Massachusetts has proper subject matter jurisdiction and venue over this action pursuant to 28 U.S. Code § 1441(a).

8. The time for removal of this action has not expired, as Northern Security was served with the complaint on or about January 19, 2023 with the Massachusetts Division of Insurance having transmitted it on January 23, 2023.

9. A copy of the notice of removal being sent to plaintiff counsel is filed herewith (Exhibit "B," Notice of Removal).

10. In accordance Local Rule 81.1 (a) of the United States District Court for the District of Massachusetts, within (28) days after filing of the Notice of Removal, Northern Security will file or cause to be filed with the Clerk of this Court certified or attested copies of the state court record (Exhibit "C," Notice of Removal to the Middlesex Superior Court).

11. A civil cover sheet (Exhibit "D"), category sheet (Exhibit "E"), and corporate disclosure (Exhibit "F") are filed herewith.

For these reasons, Northern Security requests that said action currently pending in the Middlesex Superior Court be removed to the United States District Court for the District of Massachusetts.

NORTHERN SECURITY INSURANCE
COMPANY,
By its attorney,

/s/ David M. O'Connor

Dated: February 7, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of February, 2023, I electronically filed the foregoing via Pacer to the registered participants and paper copies will be sent to those indicated as non-registered participants. Electronic mail of this petition will be submitted simultaneously to counsel of record in the Middlesex Superior Court action.

/s/ David M. O'Connor

David M. O'Connor